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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,745	09/24/2003	Robert J. Boisselle	1-15957	4502
1678 7590 04/03/2007 MARSHALL & MELHORN FOUR SEAGATE, EIGHT FLOOR TOLEDO, OH 43604			EXAMINER LAZORCIK, JASON L	
			ART UNIT 1731	PAPER NUMBER
			MAIL DATE 04/03/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/669,745

Applicant(s)

BOISSELLE ET AL.

Examiner

Jason L. Lazorcik

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 12 March 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 2-4, 6, 8-16, 19, and 21.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Attached Advisory Action Detail.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.


STEVEN P. GRIFFIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700

Continuation of 3. NOTE: The dependency of Claim 20 has been altered to reflect a claim combination not previously presented, this raises new issues requiring further search and consideration. Specifically claim 20 originally depended from a cancelled claim 18 and has by this after final amendment been changed to depend from the previously presented claim 19.

Advisory Action Detail

Applicants arguments with respect to the rejection of claims 2-4, 6, 8-16, and 19-21 have been fully considered but do not place the application in condition for allowance.

Applicant's arguments filed 03/12/2007 have been fully considered but they are not persuasive.

First, on pages 7 through 10 of the instant communication, Applicant sets forth arguments against a rejection of claims under 35 U.S.C. 103(a) as unpatentable exclusively over Montonen (U.S. Patent No. 5,383,947). However, the Final rejection dated 12/18/2007 clearly indicates that claims 2,3,4,9,15,16, 19 and 21 are rejected under 35 U.S.C. 103(a) as unpatentable over Montonen (US 5,383,947) in view of Posney (US 3,595,636). Therefore, in response to applicant's arguments against the Montonen reference individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Second, Applicant sets forth arguments on pages 12 and 13 of the instant communication against the rejection of claims 2,3,4,9,15,16, 19 and 21 as rejected under 35 U.S.C. 103(a) over Montonen in view of Posney. Specifically Applicant asserts that the Montonen suction port (5) fails to satisfy "the claimed limitation of at least one peripheral annular groove formed on/in the surface of the male mold". Examiner disagrees.

Further with respect to the Montonen/Posney rejection, Applicant argues that “holes can not be defined in Montonen’s suction port (5), which is simply a void or a space”. Here, Examiner disagrees with Applicants interpretation of the Posney reference. Specifically, Posney argues that molds utilizing the disclosed “recessed apertured structure...are less fragile than molds slotted throughout their entire thickness” (Column 2, lines 62-69). Rather than defining holes in a void, which is clearly inoperative on its face, Posney renders it obvious to substitute the disclosed “recessed

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perature structure" in place of a groove which is "slotted through the entire thickness" of the mold. As presented in the previous Office Action, this modification would be obvious for one of ordinary skill in the art aware of both prior art references as a means to decrease the fragility of the mold structure.